



City of Santa Barbara
Police Department

Memorandum

DATE: August 26, 2010

TO: Fire and Police Commission

FROM: Holly Perea, Police Technician

SUBJECT: Sultan Tahat - Appeal of Denied Taxi Driver Permit

On May 10, 2010, Sultan Tahat submitted a Renewal Application for a taxicab driver permit to the Santa Barbara Police Department. A review of the applicant's driving record revealed that Mr. Tahat was convicted of two moving violations within one year prior to his renewal application.

On March 4, 2010 Mr. Tahat was convicted of a November 2009 violation of **22102 VC**, making an illegal U-Turn. Then, on April 12, 2010, Mr. Tahat was convicted of a February 2010 violation of **22349A VC**, exceeding maximum speed on a highway. Based on this discovery, Mr. Tahat's renewal permit application was denied per **Santa Barbara Municipal Code (SBMC) §5.29.190 Denial** "A public vehicle driver's permit shall not be issued to any person for whom any of the following is applicable: **(I)** Has two (2) or more moving violation convictions within one (1) year immediately preceding an application for a permit..." It should be noted that the above section does not use the discretionary term "may not be issued," but instead states that a "permit shall not be issued," thereby requiring the Chief of Police to deny the permit under the above-listed circumstances.

Mr. Tahat was given written notice of this denial on August 3, 2010. On August 11, 2010, attorney Robert Goodman, on behalf of Sultan Tahat, filed a letter of appeal with the City Clerk's office per **SBMC §5.29.250 Appeal Procedure**. The appeal is based on the grounds that there are extenuating circumstances surrounding the February 2010 traffic citation which will be revealed at the Fire and Police Commission hearing.

Per **SBMC §5.29.250(A)**:

3. Upon filing an appeal, the party to the action shall be entitled to a hearing by the Board of Fire and Police Commissioners at the next regular meeting.
4. The appellant or appellant's representative shall have the right to present his or her case in person.
5. The Board of Fire and Police Commissioners shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as adopted by the Commission.
6. If the Board of Fire and Police Commissioners refuse to issue, amend or restore a license or an owner's permit, the party to the action or such party's agent shall not

file a new application within three hundred sixty five (365) days from the date of final action by the Board of Fire and Police Commissioners.
(See attached SBMC Section 5.29.250.)

RECOMMENDATION:

That the Fire and Police Commission uphold the Police Department's decision to deny the renewal of Mr. Tahat's taxicab driver permit.

5.29.250 Appeal Procedure.

A. Appeals to the Board of Fire and Police Commissioners

1. Any decision of the Chief of Police denying a permit, or denying an amendment to a permit, or imposing a suspension or revocation of any owner's or driver's permit shall not become final until fifteen (15) days after the date of transmittal of the written notice to the person affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration date of the fifteen (15) day period. If no appeal is taken before the expiration of the fifteen (15) day period, the decision of the Chief of Police shall be final.

2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices, and filed with the Clerk of the City.

3. Upon filing an appeal, the party to the action shall be entitled to a hearing by the Board of Fire and Police Commissioners at the next regular meeting.

4. The appellant or appellant's representative shall have the right to present his or her case in person.

5. The Board of Fire and Police Commissioners shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as adopted by the Commission.

6. If the Board of Fire and Police Commissioners refuses to issue, amend or restore a license or an owner's permit, the party to the action or such party's agent shall not file a new application within three hundred sixty five (365) days from the date of final action by the Board of Fire and Police Commissioners.

7. If the Board of Fire and Police Commissioners suspends an owner's permit or a license, the Chief of Police shall determine a period of suspension of not more than thirty (30) days, which is in accordance with the schedule of penalties developed by the Chief of Police.

8. If the Board of Fire and Police Commissioners' action is to grant or restore a certificate or a license, the Commission shall direct the Chief of Police to issue or restore the certificate or license.

B. Appeals to the City Council

1. Appeals to the City Council from the decision of the Board of Fire and Police Commissioners shall be made pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5360, 2005; Ord. 5136, 1999; Ord. 4206, 1983.)